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JG02 Rec'd PCT/PTO 12 APR 2002

Docket No. 44342.013600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Hironori TOMI, *et al.*

U.S. SERIAL NO.: 10/031,650

FILED: November 9, 2001

FOR: COMPOSITIONS FOR RECOVERING HYPOFERTILITY

Assistant Commissioner for Patents, Box PCT
Attn.: DO/EO/US Legal Office
Washington, D.C. 20231

PETITION

Sir:

On November 9, 2001, Applicants, by their Attorney of Record, filed the above-referenced patent application with the United States Patent and Trademark Office via Express Mail. Upon not receiving a Filing Receipt or return postcard, Applicants on January 10, 2002, inquired as to the status of the November 9, 2001, filing, requesting that we be accorded the November 9, 2001 filing date. As proof that the above-referenced National Phase patent application was filed on November 9, 2001, prior to the November 10, 2001 deadline for this filing, a full and complete copy of the November 9, 2001 application papers was included with the January 10, 2002, request.

Applicants have subsequently received the return postcard from the November 9, 2001 filing, according to this application the November 9, 2001 filing date and indicating that the serial number of this application is 10/031,650. However, Applicants have also received the return postcard from the January 10, 2002, request, indicating that this request was treated as another patent application with serial number 10/031,101 and filing date January 10, 2002, not as a request for the granting of the November 9, 2001, filing date. Applicants have been charged a filing fee for this request.

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ART UNIT: N/Y/A

EXAMINER: N/Y/A

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International Division

Applicants hereby petition the United States Designated/Elected Office to regard the January 10, 2002, mailing as a status inquiry, not as a new patent application filing, and request a refund of the filing fee charged for that filing and a withdraw of application number 10/031,101 from consideration. Applicants stated intent with the January 10, 2002, mailing was to inquire as to the status of the November 9, 2001, filing and to insure that Applicants received the benefit of that filing date. Applicants did not intend the January 10, 2002 mailing to be treated as a new patent application filing, and there was no reason for the United States Designated/Elected Office to treat it as such. In addition, since the January 10, 2002 mailing was incorrectly treated as a new patent application filing, Applicants hereby request a waiver of any fees that may be due for this petition.


AUTHORIZATION

No fee is believed due for this request.

Respectfully submitted,

Greenberg Traurig, LLP

Date: April 02, 2002

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